

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:05CV41-1-MU

STEVEN LEVON SWINT,

Petitioner,

v.

VANESSA ADAMS, supt.,

Respondent.

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Motion for Reconsideration, filed May 31, 2005.

On April 11, 2005, Petitioner filed a federal habeas petition attacking the validity of his 1993 state court conviction which was used to enhance the 1997 conviction for which he is currently incarcerated. On April 27, 2005, this Court dismissed Petitioner's federal habeas petition because federal habeas court lack authority to review convictions and sentences which expired before the federal habeas petition was filed. See Maleng v. Cook, 490 U.S. 488 (1989). In addition, the Court noted that it was likely that Petitioner's federal habeas petition was untimely.

In his Motion to Reconsider Petitioner asserts that his federal habeas petition should be timely filed because he did not definitively learn of the denial of his certiorari petition until April 14, 2005. Petitioner, however, does not address the issue of this Court's lack of subject matter jurisdiction. Consequently, regardless of the timeliness or untimeliness of Petitioner's federal habeas petition, this Court lacks subject matter jurisdiction over his petition.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Motion for Reconsideration is **DENIED**.

**Signed: December 20, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

